

KAZEROUNI LAW GROUP, APC

Abbas Kazerounian, Esq. (SBN: 249203)
ak@kazlg.com

Jason A. Ibey, Esq. (SBN: 284607)
jason@kazlg.com

2700 N. Main Street, Suite 1000

Santa Ana, California 92705

Telephone: (800) 400-6808

Facsimile: (800) 520-5523

Attorneys for Plaintiff,

Timothy Barrett

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**Timothy Barrett, Individually
and On Behalf of All Others
Similarly Situated,**

Plaintiff,

v.

**Ecom Interactive, LLC d/b/a
ZBiddy d/b/a ZBiddy.com,**

Defendant.

Case No.: '13CV0939 BEN NLS

CLASS ACTION

**Complaint for Damages and
Injunctive Relief Pursuant To The
Telephone Consumer Protection
Act, 47 U.S.C § 227 et seq.**

Jury Trial Demanded

INTRODUCTION

1. TIMOTHY BARRETT (“Plaintiff”) brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of Ecom Interactive, LLC d/b/a ZBiddy d/b/a ZBiddy.com (“Defendant” or “ZBiddy”), in negligently and/or intentionally contacting Plaintiff on Plaintiff’s cellular telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. (“TCPA”), thereby invading Plaintiff’s privacy. Plaintiff alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.
2. The Ninth Circuit recently affirmed certification of a TCPA class action remarkably similar to this one in *Meyer v. Portfolio Recovery Associates, LLC*, ___ F.3d ___, 2012 WL 4840814 (9th Cir. Oct. 12, 2012).

JURISDICTION AND VENUE

3. This Court has federal question jurisdiction because this case arises out of violation of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012).
4. Venue is proper in the United States District Court for the Southern District of California pursuant to 18 U.S.C. § 1391(b) because Plaintiff resides in the State of California, the harm to Plaintiff occurred in the State of California and within the County of San Diego, and Defendant is subject to personal jurisdiction in the County of San Diego and within this judicial district because it conducts business there.

PARTIES

5. Plaintiff is, and at all times mentioned herein was, a citizen and resident of the State of California. Plaintiff is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153 (10).

1 6. Plaintiff is informed and believes, and thereon alleges, that Defendant is, and
2 at all times mentioned herein was, a limited liability company whose
3 primary address is in Delaware, and is a resident of the State of Delaware.
4 Defendant, is and at all times mentioned herein was, a limited liability
5 company and is a “person,” as defined by 47 U.S.C. § 153 (10). Plaintiff
6 alleges that at all times relevant herein Defendant conducted business in the
7 State of California and in the County of San Diego, and within this judicial
8 district.

9 **FACTUAL ALLEGATIONS**

10 7. At all times relevant, Plaintiff was a citizen of the State of California.
11 Plaintiff is, and at all times mentioned herein was, a “person” as defined by
12 47 U.S.C. § 153 (10).

13 8. Defendant is, and at all times mentioned herein was, a limited liability
14 company and a “person,” as defined by 47 U.S.C. § 153 (10).

15 9. At all times relevant, Defendant conducted business in the State of
16 California and in the County of San Diego, and within this judicial district.
17 Defendant owns and operates a website advertising the sale of consumer
18 goods at purported discounted prices.

19 10. At no time did Plaintiff provide Plaintiff’s cellular telephone number to
20 Defendant.

21 11. At no time did Plaintiff ever enter into a business relationship with
22 Defendant.

23 12. On or about March 26, 2013, at approximately 1:22 p.m. (PST), Defendant
24 sent an unsolicited text message from telephone number (586) 307-5561 to
25 Plaintiff’s cellular telephone number ending in “8824.”

26 ///

27 ///

28 ///

1 13. This unsolicited SPAM text message read as follows:

2 Cellular User #64939 Get
3 An Iphone5 now for only
4 \$25. Sign Up now at
5 bit.ly/ZVcfxb !

6 14. On information and belief, the purpose of this text message was to solicit
7 business from Plaintiff regarding an online consumer website owned and
8 operated by Defendant. When a consumer clicks on the link bit.ly/ZVcfxb,
9 he is directed to a website called ZBiddy.com, which website advertises
10 consumer goods as part of a penny auction.

11 15. On information and belief, Defendant sends the same type of unsolicited text
12 message, with slight variations and from various telephone numbers, to
13 consumers throughout the United States.

14 16. Through such conduct, Defendant contacted Plaintiff on Plaintiff's cellular
15 telephone attempting to advertise ZBiddy's goods and/or services via an
16 "automatic telephone dialing system" ("ATDS"), as defined by 47 U.S.C. §
17 227(a)(1), as prohibited by 47 U.S.C. § 227(b)(1)(A).

18 17. This ATDS has the capacity to store or produce telephone numbers to be
19 called, using a random or sequential number generator.

20 18. The telephone number Defendant to which Defendant sent an automated text
21 message was assigned to a cellular telephone service for which Plaintiff
22 incurs a charge for incoming calls and text messages pursuant to 47 U.S.C. §
23 227 (b)(1).

24 19. This text message constituted a call that was not for emergency purposes as
25 defined by 47 U.S.C. § 227 (b)(1)(A)(i).

26 20. Plaintiff did not provide Defendant or its agent prior express consent to send
27 text messages, including unsolicited text messages, to his cellular telephone,
28 pursuant to 47 U.S.C. § 227 (b)(1)(A).

///

1 21. This automated text message by Defendant, or its agent, violated 47 U.S.C. §
2 227(b)(1).

3 **CLASS ACTION ALLEGATIONS**

4 22. Plaintiff brings this action on behalf of himself and on behalf of all others
5 similarly situated (the “Class”).

6 23. Plaintiff represents and is a member of the Class, which includes all persons
7 within the United States who received any unsolicited text message from
8 Defendant, which text message was not made for emergency purposes or
9 with the recipient’s prior express consent, within the four years prior to the
10 filing of this Complaint.

11 24. Defendant and its employees or agents are excluded from the Class. Plaintiff
12 does not know the number of members in the Class, but believes the
13 members of the Class number in the several hundreds, if not thousands.
14 Thus, this matter should be certified as a Class action to assist in the
15 expeditious litigation of this matter.

16 25. Plaintiff and members of the Class were harmed by the acts of Defendant in
17 at least the following ways: Defendant, either directly or through its agents,
18 illegally contacted Plaintiff and the members of the Class via their cellular
19 telephones thereby causing Plaintiff and the Class members to incur certain
20 cellular telephone charges or reduce cellular telephone time for which
21 Plaintiff and the Class members previously paid, by having to retrieve or
22 administer messages left by Defendant during those illegal calls, and
23 invading the privacy of said Plaintiff and the Class members. Plaintiff and
24 the class members were damaged thereby.

25 26. This suit seeks only damages and injunctive relief for recovery of economic
26 injury on behalf of the Class, and it expressly is not intended to request any
27 recovery for personal injury and claims related thereto. Plaintiff reserves the
28 right to expand or modify the Class definition to seek recovery on behalf of

1 additional persons as warranted as facts are learned in further investigation
2 and discovery.

3 27. The joinder of the Class members is impractical and the disposition of their
4 claims in the Class action will provide substantial benefits both to the parties
5 and to the court. The Class can be identified through Defendant's records or
6 Defendant's agents' records.

7 28. There is a well-defined community of interest in the questions of law and
8 fact involved affecting the parties to be represented. The questions of law
9 and fact to the Class predominate over questions which may affect
10 individual members of the Class, including but not limited to the following:

- 11 a. Whether, within the four years prior to the filing of this Complaint,
12 Defendant sent any text message (other than a text message made for
13 emergency purposes or made with the prior express consent of the
14 called party) to a Class member using any automatic telephone
15 dialing system and/or text messaging system to any telephone
16 number assigned to a cellular telephone service;
- 17 b. Whether Plaintiff and the Class members were damaged thereby, and
18 the extent of damages for such violations; and
- 19 c. Whether Defendant should be enjoined from engaging in such
20 conduct in the future.

21 29. As a person who received at least one text message using an automatic
22 telephone dialing system, without Plaintiff's prior express consent, Plaintiff
23 is asserting claims that are typical of the Class. Plaintiff will fairly and
24 adequately represent and protect the interests of the Class in the Plaintiff has
25 no interests antagonistic to any member of the Class.

26 30. Plaintiff and the members of the Class have all suffered irreparable harm as
27 a result of the Defendant's unlawful and wrongful conduct. Absent a class
28 action, the Plaintiff and members of the Class will continue to face the

potential for irreparable harm. In addition, these violations of law will be allowed to proceed without remedy and Defendant will likely continue such illegal conduct. Because of the size of the individual claims of members of the Class, few, if any, members of the Class could afford to seek legal redress for the wrongs complained of herein.

31. Plaintiff has retained counsel experienced in handling class action claims and claims involving violations of the Telephone Consumer Protection Act.

32. A class action is a superior method for the fair and efficient adjudication of this controversy. Class-wide damages are essential to induce Defendant to comply with federal and California law. The interest of members of the Class in individually controlling the prosecution of separate claims against Defendant is small because the maximum statutory damages in an individual action for violation of privacy are minimal. Management of these claims is likely to present significantly fewer difficulties than those presented in many class claims.

33. Defendant has acted on grounds generally applicable to the Class, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the Class as a whole.

FIRST CAUSE OF ACTION

NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT

47 U.S.C. § 227 ET SEQ.

34. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

35. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

36. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et seq., Plaintiff and the Class are entitled to an award of \$500.00 in statutory

1 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
 2 37. Plaintiff and the Class are also entitled to and seek injunctive relief
 3 prohibiting such conduct in the future.

4 SECOND CAUSE OF ACTION

5 KNOWING AND/OR WILLFUL VIOLATIONS OF THE

6 TELEPHONE CONSUMER PROTECTION ACT

7 47 U.S.C. § 227 ET SEQ.

8 38. Plaintiff incorporates by reference all of the above paragraphs of this
 9 Complaint as though fully stated herein.

10 39. The foregoing acts and omissions of Defendant constitute numerous and
 11 multiple knowing and/or willful violations of the TCPA, including but not
 12 limited to each and every one of the above-cited provisions of 47 U.S.C. §
 13 227 et seq.

14 40. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. §
 15 227 et seq., Plaintiff and the Class are entitled to an award of \$1,500.00 in
 16 statutory damages, for each and every violation, pursuant to 47 U.S.C. §
 17 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

18 41. Plaintiff and the Class are also entitled to and seek injunctive relief
 19 prohibiting such conduct in the future.

20 PRAYER FOR RELIEF

21 Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and the
 22 members of the Class the following relief against Defendant:

23 FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF

24 THE TCPA, 47 U.S.C. § 227 ET SEQ.

- 25 • As a result of Defendant's negligent violations of 47 U.S.C. § 227(b)(1),
 26 Plaintiff seeks for himself and each member of the Class \$500.00 in
 27 statutory damages, for each and every violation, pursuant to 47 U.S.C. §
 28 227(b)(3)(B).

- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

**SECOND CAUSE OF ACTION FOR KNOWING AND/OR WILLFUL VIOLATIONS OF
THE TCPA, 47 U.S.C. § 227 ET SEQ.**

- As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for himself and each member of the Class \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

TRIAL BY JURY

42. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: April 9, 2013

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Abbas Kazerounian
ABBAS KAZEROUNIAN, ESQ.
ATTORNEYS FOR PLAINTIFF

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Timothy Barrett, Individually and on behalf of all others similarly situated

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kazerouni Law Group, APC; 2700 N. Main Street, Suite 1000
Santa Ana, CA 92705 (800) 400-6808

DEFENDANTS

Ecom Interactive, LLC d/b/a ZBiddy d/b/a ZBiddy.com

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

'13CV0939 BEN NLS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. § 227 et seq.; 5:552

Brief description of cause:

Violations to the Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

5,000,001.00+

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

04/19/2013

s/Abbas Kazerounian

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.